## GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

*Labour Dispute.*—Industrial Dispute between the workmen and the management of Ist Kusboor Estate, Somwarpet P.O., Coorg District.

Award of the Labour Court, Mangalore—Published.

Read the following papers :

(1) Letter No. A/ID 63/72-73, dated 2nd November 1972 from Sri B. Hanumanthaiah, Presiding Officer, Labour Court, Mangalore.

## BEFORE THE LABOUR COURT AT MANGALORE

*Dated 2nd November,* 1972

Reference (ID) (LCM) No. 63 of 1972, (No. 6/72)

*Present* :

B. Hanumanthaiah, B.SC, LL.B.,

*Presiding Officer,*

*Between* :

The Workmen, represented by the Secretary, Estates Staffs' Union of South India, Chikmagalur .. *I Party.*

*And*

The Management of Ist Kusboor Estate, Somwarpet, P.O., Coorg District .. *II Party.*

## AWARD

The State Government of Mysore, being of opinion that an industrial dispute exists between the workmen and the management of Ist Kusboor Estate, Somwarpet, P.O., Coorg District, referred it for adjudication by its Order No. FCL 313 LLD 72, dated 3rd June, 1972 to the Labour Court at Mercara under Section 10(1)(c) of the Industrial Disputes Act, 1947. The case has been registered as Reference No. 6 of 1972 in the Labour Court at Mercara. Thereafter the Government has by its Order No. FCL 162(1) LLE 72, dated 26th August, 1972, transferred the case for disposal to this Court. The case has been registered as Reference (ID) (LCM) No. 63 of 1972 on the file of this Court. Notices were issued to the parties and both the parties have been served. The I Party is represented by the Secretary for Mysore, Estates Staffs Union of South India, Chikmagalur and the II Party Management has not appeared before this Court.

2. The dispute as specified in the Order of Reference is regarding the retrenchment of the services of the workman Sri B. C. Appaiah, Clerk, by the II Party with effect from 30th September 1971. The points of dispute specified in the Order of reference are the following :

> "I. Is the management of Ist Kusboor Estate, Somwarpet P.O., Coorg District, justified in retrenching the services of Sri B. C. Appaiah, Clerk with effect from 30th September 1971 ?
>
> II If not what relief is the said workman entitled to ?"

3. The workman Sri B. C. Appaiah had also made an application under Section 33C(2) of the Industrial Disputes Act, 1947 and the said application had been registered as Application No. 6 of 1971. The said file is also put up in this case for reference. In that application he claimed the

difference in pay on certain grounds. It is also found that he had also raised a dispute before the Labour Officer, Mercara, regarding his discharge from service. Both the parties have appeared before the Labour Court, Mercara and have filed a joint memo stating that all the dispute between the parties have been settled. The joint memo is filed before the Labour Court, Mercara on 14th February 1972 and it is available with the file in Application No. 6/71.

4. The I Party has now sent a representation through post which is received in this Court on 12th October 1972 stating that the dispute has been amicably settled as per the joint memo of settlement dated 14th February 1972 filed before the Labour Court, Mercara in Application No. 6 of 1971. Further it is stated that the I Party does not press for further proceedings as the matter has been settled. The claim made in this case is that the order of retrenchment passed by the II Party management is illegal and the workman Sri B. C. Appaiah is entitled to be reinstated in service with back wages. In the joint memo filed by the parties in Application No. 6 of 1971 it is stated that the Respondent Management agreed to pay Sri B. C Appaiah, a sum of Rs. 2,900 in full and final settlement of all his claims made in Application No. 6/71 and he has given up his claim for reinstatement which he had raised. Thus it is found that the dispute regarding the retrenchment of the services of the workman Sri B. C. Appaiah and also his claim for reinstatement has also been settled between the parties as per the joint memo filed by the parties in Application No. 6/71 on 14th February 1972. In the representation sent to this Court it is stated by the I Party Union that the case has been amicably settled between the I Party and the II Party in terms of the memo of settlement dated 14th February 1972 and therefore the Union does not press for further proceedings in this case. The learned Presiding Officer of the Labour Court, Mercara has in his order dated 14th February 1972 found that the settlement arrived at between the parties is beneficial to both the parties and the settlement arrived at between the parties is accepted After

accepting the settlement the claim in Application No. 6/71 on the file of the Labour Court, Mercara was allowed in terms of the memo of settlement. Therefore it is clear that the claim of the I Party for reinstatement has also been settled and the management ras agreed to pay a consolidated sum of Rs. 2,900 as per the claim made in Application No. 6/71. It is found that the difference in pay claimed by the I Party was Rs. 1,595.40 and this claim was disputed by the II Party. The amount agreed to be paid under the joint memo filed on 14th February 1972 is Rs. 2,900. Thus it is clear that the compensation agreed to be received by the workman Sri B. C. Appaiah includes the compensation in respect of his retrenchment also. It is found by the Labour Court, Mercara that the settlement was beneficial to the workman and also to the management. Therefore, it is now found that the dispute raised by the I Party workman has been amicably settled between him and the II Party and adequate compensation has also been awarded.

5. I also accept the settlement arrived at between the parties as per the joint memo filed on 14th February 1972 and find that at present there is no dispute existing between the Parties. The I Party Union does not press for further proceedings. Therefore the reference is rejected since the dispute has been settled. The joint memo filed by the parties in Application No. 6/71 shall also form part of this Award. The parties shall bear their own costs.

B. HANUMANTHAIAH,
*Presiding Officer,*
*Labour Court, Mangalore.*

Mangalore,
Dated: 2-11-1972.

## APPENDIX

Before the Hon'ble Labour Court, Mercara.

Application No. 6/1971.

Joint Memo filed by parties.

May it please your Honour,

The first party and the IInd party to the above dispute respectfully state as follows :—

The parties to the above dispute have settled amicably by all the issues on the following terms :—

I. The Respondent Management agrees to pay to Sri B. C. Appaiah, the applicant a sum of Rs. 2,900/- (Rupees two thousand nine hundred) only in full and final settlement of all his claims.

II. The applicant gives up his claims under this application as well as claim for re-instatement with back wages which he has raised before the Labour Officer, Coorg.

III. The Respondent management agrees to pay to the Provident Fund dues for which a Revenue Recovery action has been taken, pertaining to the applicant.

IV. The applicant agrees to vacate his estate quarters and receive his dues in pursuance of this settlement on or before 29th February 1972.

V. The Respondent agrees to waive all dues of the appliant to the estate.

The Hon'ble Court may be pleased to pass an order in terms of the above.

Dated this the 14th day of February, 1972 at Mercara.

(Sd.) P. H. PINTO.
*Ist Party.*

(Sd.) K. RAMADAS.
*IInd Party.*

(Sd.) B. C. APPAIAH

(Sd.) .....

Execution admitted before me.

(Sd.) .....
*Presiding Officer,*
*Labour Court, Mercara.*
14—2—72.

TRUE COPY

B. HANUMANTHAIAH,
*Presiding Officer,*
*Labour Court, Mangalore.*

## ORDER

*Bangalore, dated the 24th November 1972*

*S.O.* 797.—WHEREAS by State Government Order No. FCL 313 LLD 72, dated 3rd June 1972 the Industrial Dispute between the workmen and the management of Ist Kusboor Estate, Somwarpet P.O., Coorg District was referred to the Labour Court, Mangalore for adjudication.

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

**[No. FCL 232 LLA 72.]**

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,

*Under Secretary to Government,*
*Food, Civil Supplies and*
*Labour Department.*